

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JOSEPH RAYMOND MCCOY,  
Plaintiff,  
v.  
KATHILEEN ALISON, et al.,  
Defendants.

No. 1:22-cv-00234 JLT EPG (PC)  
ORDER ADOPTING IN FULL THE  
FINDINGS AND RECOMMENDATIONS  
AND DIRECTING PLAINTIFF TO PAY THE  
\$402.00 FILING FEE IN FULL  
(Doc. 6)

The assigned magistrate judge issued Findings and Recommendations that Plaintiff's application to proceed *in forma pauperis* be denied. (*Id.* at 6.) The magistrate judge found Plaintiff is subject to the three strikes bar under 28 U.S.C. § 1915(g) (*Id.* at 2-3) and that the allegations in Plaintiff's complaint do not satisfy the "imminent danger of serious physical injury" exception to Section 1915(g). (*Id.* at 3-4.) Therefore, the magistrate judge recommended Plaintiff be directed to pay the filing fee in full to proceed with this action. (*Id.* at 4.)

The Court served the Findings and Recommendations on Plaintiff, which contained notice that any objections thereto were to be filed within 14 days from the date of service. (*Doc.* 6 at 5.) In addition, the Court advised Plaintiff "that failure to file objections within the specified time may result in the waiver of rights on appeal." (*Id.*, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014); *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991).) Despite the Court granting Plaintiff an extension of time to file objections, he did not do so.

1       According to 28 U.S.C. § 636(b)(1)(C), this Court conducted a *de novo* review of this  
2 case. Having carefully reviewed the entire matter, the Court concludes the Findings and  
3 Recommendations are supported by the record and by proper analysis. Accordingly, the Court

4 **ORDERS:**

- 5       1.      The Findings and Recommendations entered on March 1, 2022 (Doc. 6), are  
6                  **ADOPTED** in full.  
7       2.      Pursuant to 28 U.S.C. § 1915(g), Plaintiff is not permitted to proceed *in forma*  
8                  *pauperis* in this action.  
9       3.      Within 30 days from the date of service of this order, Plaintiff **SHALL** pay in full  
10                 the \$402.00 filing fee for this action; and  
11       4.      Plaintiff is advised that failure to pay the required filing fee as ordered will result  
12                 in the dismissal of this action without prejudice.

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14 IT IS SO ORDERED.

15       Dated: April 11, 2022

  
UNITED STATES DISTRICT JUDGE

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